

RD-5801-D1-01-KD

## IN THE UNITED STATES PATENT &amp; TRADEMARK OFFICE

APPLICANTS: LESLIE MAGNUS, ET AL. EXAMINER: Spivack, P.  
SERIAL NO. : 09/921,682 ART UNIT : 1614  
FILED : AUGUST 3, 2001 PAPER NO. : 3  
FOR : METHOD FOR THE TREATMENT OF INSOMNIA

#5  
AKO  
5-29-02

## AMENDMENT AND REMARKS

May 20, 2002

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This document is in response to the Office Action in the above case that was mailed to Applicants' attorney on November 20, 2001.

Please charge our Deposit Account 23-0455 the amount of \$920.00, the fee required under 37 U.S.C. §1.17(a)(3), for a three-month extension of the allowable period for responding to an Office Action, and any additional fees necessary to render this response timely filed. Please credit any overpayment to the same Deposit Account.

There are five claims pending in the above application. They are Claims 1-5. In the Office Action, the Examiner rejected Claims 1-5. Reconsideration of the above application is respectfully requested.

In the Office Action, the Examiner rejected Claim 1 under the judicially created doctrine of obviousness-type double patenting, as being unpatentable over Claim 1 of United States Patent 6,306,910. It is Applicants position that all claims pending in the